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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,783	05/04/2005	Bernd Hahnel	21245.3	6079

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D-76207  
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GERMANY

EXAMINER

TRUONG, THANH K

ART UNIT PAPER NUMBER

3721

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/533,783	<b>Applicant(s)</b> HAHNEL ET AL.	
	<b>Examiner</b> Thanh K. Truong	<b>Art Unit</b> 3721	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 9-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 May 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Applicant's cancellation of claims 1-8, in the Preliminary Amendment filed May 4, 2005, is acknowledged.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following features must be shown or the feature(s) canceled from the claim(s). No new matter should be entered:

“a mutual separation between said deflecting discs along said shaft can be changed” as recited in claim 14; and

“said deflecting comprises several guide elements on which an open side of the cup-shaped depressions in the bottom sheet is supported” as recited in claim 16.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the

top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The disclosure is objected to because of the following informalities: the recitation "This object is achieved with ... having the characterizing features of claim 1" in lines 16-17 of page 3 is improper. The specification should not be referred to the claim, because in the process of the prosecution of the application, the claim may be canceled, amended or withdrawn, and the canceled (or amended or withdrawn) claim will render the disclosure indefinite or invalid. Other similar recitations through out the specification also need to be corrected. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Romagnoli (4,472,922) in view of Wilson et al. (5,187,921).

Romagnoli discloses an apparatus (figures 1 & 2) comprising:

a stationary filling station (B) for inserting the products into the cup-shaped depressions (6) of the bottom sheet (2);

a sealing station (C) disposed downstream of the filling station to seal the cover sheet (9) onto the bottom sheet for forming the blister band containing the products; and

a cyclically operated first drive device (8) for discontinuously transporting the bottom sheet and the cover sheet through said sealing station.

Romagnoli discloses the claimed invention, but it does not expressly disclose a second drive device disposed between the filling station and the sealing station for discontinuously transporting the bottom sheet, wherein drive actions of the first and said second drive devices superpose such that the bottom sheet is transported through the filling station at constant speed.

Wilson et al. discloses an apparatus comprising a second drive device (24) disposed between the filling station and the sealing station (figures 1 & 7 show the device (24) is disposed in the middle between filling station (30) and the sealing station (at rollers 58 & 62) horizontally). As the drive device (24) moves by adjustment (manually or automatically), it alters the path and the registration of the bottom and the cover sheet, and hence it also speed up or slowdown the movement of the bottom sheet. Accordingly, it is construed as intermittently transporting the bottom sheet.

Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have modified Romagnoli by incorporating the second drive device as taught by Wilson et al. to provide an adjustment means to further control the movement of the bottom sheet and its registration with the cover sheet.

The modified Romagnoli by Wilson et al further discloses:

Regarding claims 10-11, the second drive device comprises a deflecting device which can be adjusted between the basic position and a deflected position to exert a tensile force on the bottom sheet in the filling station (Wilson - column 2, lines 56-59 – it is construed that as the second drive moves it certainly exerts a force on the bottom sheet), and the deflecting device returns from the deflected position back into the basic position (the second device moves back and forth).

Regarding claims 13-16, the deflecting device comprise a shaft which is adjusted by a motor (not shown) with several mutually separated deflecting discs disposed on the shaft (Wilson – column 2, lines 65-67 discloses that the deflecting device (24) has groove to accommodate the bottom sheet that carries blister cup, therefore it is construed that the sides on both sides of the groove are discs. It is rotatable, hence it is disposed on a shaft); the mutual separation between the discs along the shaft can be changed (it is construed that any mechanical mechanism is capable of being changed); the deflecting discs are rotatably disposed on the shaft; and the deflecting device comprises several guide elements on which an open side of the cup-shaped depression in the bottom sheet is supported (Wilson – column 2, lines 65-67).

Regarding claim 12, it is construed that the deflecting device adjustment direction (horizontally vs. vertically) is a matter of design choice, since it is well known and within the general skill of a worker in the art to select a known design configuration on the basis of its suitability for the intended use as matter of obvious design choice.

Therefore, it would have been an obvious matter of design choice to modify the deflecting device so that it is adjusted substantially perpendicular to a main transport direction of the bottom sheet to obtain the invention as specified in claim 12.

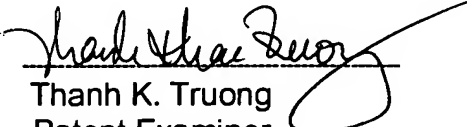
***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh K. Truong whose telephone number is 571-272-4472. The examiner can normally be reached on Mon-Thru 8:00AM - 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Thanh K. Truong  
Patent Examiner  
June 25, 2006.